

REMARKS**I. Introduction**

In response to the pending Office Action, solely to expedite prosecution, Applicants have canceled claim 2, and have rewritten claim 3 in independent form. Accordingly, it is respectfully submitted that the enclosed amendment does not raise new issues and should therefore be entered to place the application in better form for appeal by reducing issues. In view of the foregoing amendments and the following remarks, Applicants submit that all pending claims are in condition for allowance.

II. Claim Rejections Under 35 U.S.C. § 102

Claims 2 – 5 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wachi (JP 10-092100). Applicants traverse this rejection for at least the following reasons.

Claim 3 is embodied in a rotational velocity controlling system in a information recording/reproducing apparatus, which, among other things, comprises control information generating means which includes numerical range limiting means for limiting the numerical range of the operation result value. As depicted in Figure 1 of the pending application, illustrating one exemplary embodiment, a limit circuit 111 is provided to impose a limitation on the operation result value (see paragraph [0034] of the pending application as published). That is, the operation result value is obtained, and then can be limited by the limit circuit 111. No such feature is disclosed or suggested by the cited reference.

The Examiner asserts that “the operation result value is the detected location of the optical spot: since it is looked up in a table, as per paragraph 75, it is inherently limited to entries in the table.” However, as described in paragraph 75 of Wachi, the operation result value is not the detected location of the optical spot. Rather, it is used to detect the location of the optical spot by looking up a value in a ROM table. Moreover, it appears that the ROM table matches the relation of each calculated value with an optical spot. Accordingly, as the assignments are prearranged, the operation result value is not limited by the table. Rather, the table merely maps the operation value to a corresponding value representing the optical spot.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and the cited Heishi patent fails to disclose at least the above described elements, it is clear the cited patent does not anticipate independent claim 2.

Claims 4 and 5 depend from claim 2. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Harness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the independent claims are patentable for at least the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

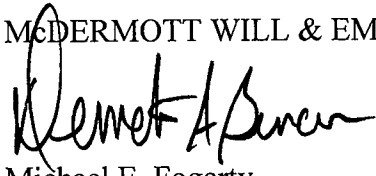
III. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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